

**Litchfield Planning Board
November 17, 2009**

Minutes approved 12/1/09

Members present:

Alison Douglas, Chairman
Edward Almeida, Vice Chairman
Jayson Brennen
John Miller, Alternate

Members not present:

Marc Ducharme, Clerk
Leon Barry
Carlos Fuertes
Steve Perry, Selectmen's Representative

Also present:

Joan McKibben, Administrative Assistant
Steve Wagner, Nashua Regional Planning Commission, Circuit rider

AGENDA

1. WORK SESSION OPEN SPACE CONSERVATION SUBDIVISION

2. WORK SESSION INCLUSIONARY HOUSING

3. ANY OTHER BUSINESS

- Minutes
- Correspondence

Chairman Alison Douglas called the meeting to order at 7:35 p.m. John Miller was appointed as a voting member.

1. CONSERVATION OPEN SPACE DEVELOPMENT ORDINANCE (COSD)

IV. APPLICABILITY - Instead of saying leaving the subdivision as an open space or conventional at the discretion of the Planning Board to decide on a case by case basis as Mr. Ducharme indicates, Mr. Wagner recommends all parcels 10 acres and above are open space unless exempted or granted a conditional use permit to be a conventional subdivision. Mr. Wagner's version allows for a conditional use permit and there are conditions listed that allows the subdivision to be conventional. Refer to Page 3 C. 1

states the planning board may issue a conditional use permit for the parcel to be developed as a conventional subdivision when it finds that:

- a. The parcel is ill-suited for development using Conservation Open Space Development design, or a conventional design provides greater or equal benefits to the community and;
- b. The conventional subdivision design retains and protects important natural and/or cultural features identified by the planning board and /or the site inventory.
- c. The public utility cannot provide public water to the proposed COSD development.

B. Exemptions - There was a lot of discussion regarding B.1. and B. 2. and the comment submitted by Mr. Ducharme who was not present. B.1. Mr. Ducharme feels this will create a problem and that future subdivisions should be the current regulations at the time of the subdivision. Mr. Wagner said items B. 1 and B. 2 he did get from Mr. Ducharme so he is confused as to what his rationale is.

Further review of the remaining exemptions listed on Page 3 went on.

Again, Mr. Wagner indicates that his version is all subdivisions are going to be conservation subdivisions (in accordance with the template from DES) unless exempted or granted conditional use permit...so he feels some of the exemptions are not needed and recommends adding the needed exemptions to IV.C.

Talk ensued. Mr. Miller questioned that if the Master Plan says conserve space then how does this ordinance match up with the Master Plan that everything should be conservation developments. It was not certain what the Master Plan states because it was not available for review. Mrs. Douglas asked what is the ideal objective? Mr. Wagner replied that the objective is to minimize the amount of land that we are disturbing in Town and to preserve as much of the natural features and preserve the wildlife habitats, cultural resources,

Mr. Miller: It is simpler to just define what a conservation subdivision is and say this is an option, it has to have at least 10 acres and go through those pieces and go from there and leave the rest of the stuff out and continue to do business as we have in the past instead of trying to think of all the exemptions.

Mr. Almeida: If you are going get rid of Section B (Exemptions) maybe in the conditional use also address workforce housing there as well.

It was agreed to delete IV. B. Exemptions 1. and amend B. Exemptions 2. to state *The subdivision creates three or fewer lots that will accommodate not more than one (1) dwelling unit per lot.* Keep B. Exemptions 3. Move B. Exemptions 6 down to IV. C. Authorization to Issue a Conditional Use Permit. Delete B. Exemptions 7.

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3 Mr. Miller: The idea earlier was probably strike the section around exemptions and move
4 those into the conditional use permit section and the catch all might be talking about the
5 process of getting a conditional use permit to come before the Board.

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7 It was suggested taking a more generalized version of workforce housing. Mr. Brennen
8 suggested jamming B. Exemptions: 2, 3, 4, and 5 into two bullets and move B.
9 Exemptions 3. to C. Authorization to Issue a Conditional Use Permit: 1. d.

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11 Talk ensued regarding conditional use permit. It was agreed to change C. 1. E. to state *a*
12 *parcel ten (10) acres or more that will yield less than three (3) lots.*

13
14 **E. Review Process** - *A subdivision application under this section shall comply with the*
15 *application and review process specified in the subdivision regulations.* It was agreed to
16 delete the rest of the highlighted sentence.

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18 Mr. Wagner pointed out that there would have to be a warrant article to allow the
19 Planning Board to require preliminary review of the application for the subdivision of
20 land. He referred to page 10 and assuming authority is granted, then the word encouraged
21 would be deleted in the second paragraph E. of the Review Process states the Planning
22 Board encourages pre-application review but cannot require it. Talk went on as to
23 conceptual review and pre-application review.

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25 Mr. Miller: We are saying that this is now the new rule where everything is conservation
26 and not conventional but yet we have another process that is defined under conventional
27 and we are now saying we may require here and it seems like it lines up that it is the same
28 process. If it is the same process, why not make the rules the same...especially if this is
29 how everything has comes in this way, if it is over ten (10) acres.

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31 Mrs. Douglas: I do think it has to be consistent.

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33 Mr. Wagner: It is their choice if they want to come in for a preliminary review, it is their
34 choice if they want to come in for a conceptual, it is their choice if they want to come in
35 for a design review, the way the statute is written. Under conventional, it is optional too.

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37 Talk went on as to requiring pre-application review. Regarding a warrant article
38 authorizing the Board to require a pre-application review, the Board agreed not to put
39 forth an article. It was agreed to add to E. second paragraph "*strongly encourages*" and
40 delete *may require* and *as authorized under RSA 674:35, I.*

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42 **V. STANDARDS AND CONDITIONS**

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44 **B. Uses:** Delete *and if necessary other Town approving authority.*
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D. **Maximum Density** - Talk ensued as to utilizing Yield Plan or Sketch Plan. It was agreed to use the term Yield Plan.

VI. DIMENSIONAL REQUIREMENTS

A.2.b. **Alternative Lot Sizing:** Delete all.

A.3. **Frontage and Front Setback Buffer.**

Mr. Miller: Are we saying that all frontage is going to be calculated on a proposed network and not existing roads?

Mr. Wagner: That I did not necessarily agree with this because we might be denying lots they can't take frontage off of 3A; you already pushed them back 250 feet. My feeling was typically you take access from your frontage but I do not think in this case it supports allowing people to put the dwellings in the best place on the lot. So, I would say you could take frontage from anywhere there is a Class V or higher road but you are only going to take access from internal proposed road network.

Mr. Miller: Most of the time, unless you have a lot that is set back, your frontage is where the front of the house is. So, if all of a sudden you have frontage behind you, that is where you are getting your 90 feet from because you have a small cul-de-sac out front ...you are not likely to point the house the right way anyway. If access from the lots is from those roads, most of the time developers are going to build houses pointing to their frontage because that is usually where it is...frontage to be pulled from the proposed road network unless we grant a conditional use permit.

Mr. Wagner: Right now, I have *access and frontage from individual lots shall be taken from the proposed road network.* (Second sentence A.3.)

A. 4. **Side and Rear Setback Buffer** - Delete first paragraph. Second paragraph change to *where a natural visual buffer does not and keep the rest of the paragraph as is.*

C.2. **Parking:** Change to read *no on-street parking is permitted.*

VII. OPEN SPACE REQUIREMENTS

A. Mr. Wagner stated that typically you want to preserve 50% of open space as a minimum and 80% of non-buildable. Talk went on. Mr. Miller: Okay, say you have a ten acres parcel and it is all good land that is ten (10) one acre lots. If the requirement is ½ acre lots would be considered a conservation open space development that means now you will have ten lots on five acres and you will have to have five acres to do it. If the

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rest of the requirements always come out that way, then what do the percentages get you?
So, if you have ten acres again, ten lots, 5 houses on five acres but of that ten acres three
3 acres are wet, it would not be buildable anyways.

Mr. Wagner suggested 50% of the land minimum has to be set for open space and then
say no more than 35% can be wet. The Board agreed with this scenario.

VIII. CONTROL AND MANAGEMENT OF COMMON AND OPEN SPACE

A. Talk went on as to ownership of the open space land. Mr. Wagner indicated that the
open space land should be conservation easements. It was pointed out that if the Town
owns the open space, then it would have to maintain it, then there is the liability issue,
etc. and it has not been determined as to whether or not the Selectmen would go along
with owning the open space land. It was agreed to keep the three options in the ordinance
as listed under VIII. B. 1.2.3.

The next work session on the Open Space ordinance is December 1, 2009.

2. INCLUSIONARY HOUSING (WORKFORCE HOUSING)

The purpose of this proposed ordinance is to provide a reasonable opportunity for the
development of affordable housing within the Town of Litchfield.

The minimum lot size is five (5) acres and the maximum lot size is 20 acres. Mr. Miller
asked if someone has seventy (70) acres and they want to build a portion as workforce
housing, do we require them to subdivide into 20 acres first? This was discussed and it
was agreed that there needs to be a maximum limit because of the incentives, 20%
reduction. Mr. Wagner pointed out that there is a maximum limit of units that can be
built annually.

This version of the ordinance will be emailed to all Planning Board members for review
and to be discussed at the next meeting.

REVISIONS TO SUBDIVISION REGULATIONS AND APPLICATION

Mr. Wagner suggested reviewing the highlighted four steps moved into the ordinance and
look at the regulation recommended in the document to see if there are any the Board
would want to adopt. It would only require a public hearing for adoption.

ANY OTHER BUSINESS

Minutes - Mr. Almeida **MOTIONED** to accept the minutes of October 20, 2009, as
amended. Mr. Miller seconded. Motion carried 3-0-1.

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Escrow Funds released - Romano's Pizza escrow money has been released.

Cutler & Page Rolling Acres II - Mrs. McKibben informed the Board that Attorney Prolman agreed to take the Phase II money and apply it to Phase IV escrow account since his client owes the Town \$10,000 or more.

Heron Drive - Mrs. McKibben said the escrow account has been replenished.

Boucher Sandpit - Regarding the Boucher sandpit, the Code Enforcement Officer reported in writing that they are stockpiling in connection with the bike path and there is no violation. It is not being used for anything else. There was a concern that since it is in current use, that the land should not be used for anything else.

Condo Occupancy - The Code Enforcement Officer also reported in writing that there are no units at Heritage Park (Candleridge Circle) being occupied without a Certificate of Occupancy.

Pinecreek Subdivision - It is believed that the sprinkler situation has been settled and the sprinklers will be installed at 555 Charles Bancroft Highway.

Historical District - Jayson Brennen talked about establishing some kind of Historical District on Route 3A possibly indicate 250 feet off the center of the road. This would possibly be presented in 2011.

There being no further business, Mr. Brennen **MOTIONED** to adjourn the meeting. Mr. Almeida seconded. The meeting adjourned at 10:09 p.m.

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Jayson Brennen

John Miller, Alternate

Lorraine Dogopoulos
Recording Secretary